

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

July 28, 2006

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

REGARDING: Conservation District Enforcement File No. OA-06-32
Regarding Alleged Unauthorized Construction of Rock
Walls Within the Conservation District

BY: Patrick & Margaret McNulty

TMK: (1) 9-1-028:001

AREA OF USE: Unknown

AREA OF PARCEL: 34,062 square feet

LOCATION: Submerged Land
makai of 91-702 Oneula St
Oneula Beach, Ewa, Island of Oahu

SUBZONE: Resource

DESCRIPTION OF AREA:

The subject property is located on the shores of Oneula Beach, Pu'uloa ahupua'a, Ewa district, island of Oahu, TMK:(1) 9-1-028:001 within the Urban State Land Use District. The majority of residential homes along this shoreline have seawalls (**Exhibits 1, 2, 3 & 4**).

ALLEGED UNAUTHORIZED LAND USES:

The Office of Conservation and Coastal Lands (OCCL) received various complaints regarding blocked access to the beach and seawalls at the subject location. Staff notes, the only record on file with the Department regarding this subject parcel is an expired Certified Shoreline dated December 7, 2001. A site visit was conducted on November 4, 2005 at approximately 8 a.m. Staff noted a newly constructed Single Family Residence and two newly constructed walls. The walls appear to be property boundary walls and are parallel to each other and perpendicular to the ocean. Construction debris, general debris and ocean debris fronted the newly constructed home. Staff notes portions of the

sand beyond the newly constructed walls were damp. Staff observed the wave run up went beyond the makai end of the wall (**Exhibit 5, 6 & 7**).

A Notice and Order to cease activity in the Conservation District was mailed to the property owner on November 4, 2005 (**Exhibit 8**). A follow up letter requesting evidence of approvals, a response to the situation and/or removal of the structure was sent to the property owner (**Exhibit 9**).

On November 29, 2005, the OCCL received a correspondence regarding the subject matter. The property owners responded stating that the rock walls are to sturdy up the structures (abutting walls and fences) already in place and to ensure containment of the private property. Because the property was vacant for a number of years, the General Public had been utilizing the lot for activities such as fishing barbequing and dumping. Sand movement has uncovered a large iron frame. The adjacent neighbors wall was crumbling into the property with no plans to renovate. In addition, during the construction of the permitted Single Family Residence, the owners were having problems with trespassing and theft.

Regarding blocking access to the beach, the owners have stated, "The properties on both sides of ours have steps leading from their seawalls to the beach on the ocean side of their lots, so our walls do not deny them access to the beach. Our wall merely prevents entrance to our property from somewhere other than the water. There is a public beach access also located several lots to the Diamond Head side for public use." (**Exhibit 10**)

In addition, on March 10, 2006, the City & County of Honolulu issued a Notice of Violation for the walls constructed in the shoreline setback area without a shoreline variance (**Exhibit 11**).

RESOLUTION OF UNAUTHORIZED LAND USES:

The Department and Board of Land and Natural Resources has jurisdiction over land lying makai of the shoreline as evidenced by the upper reaches of the wash of the waves other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limits of debris left by the wash of the waves, pursuant to §205A-1, Hawaii Revised Statutes (HRS), Definitions.

As evidenced by the wave run up and wet sand, Staff believes that portions of the boundary walls are located within the Conservation District. Based on the evidence available, the OCCL has sufficient cause to bring this matter to the Board since it is evident that portions of the structures are placed within the Conservation District pursuant to the Hawaii Administrative Rules (HAR), §15-15-20 Standards for determining "C" conservation district boundaries:

It shall include lands having an elevation below the shoreline as stated by §205A-1, HRS, marine waters, fishponds, and tidepools of the State, and accreted portions of lands pursuant to §501-33, HRS, unless otherwise designated on the district maps. All offshore and outlying islands of the

State are classified conservation unless otherwise designated on the land use district maps.

Conservation District

Chapter 13-5, Hawaii Administrative Rules (HAR) and Chapter 183C, Hawaii Revised Statutes (HRS), regulate land uses in the Conservation District by identifying a list of uses that may be allowed by Conservation District Use Permit. The chapters also provide for penalties, collection of administrative costs and damages to state land for uses that are not allowed or for which no permit has been obtained. Chapter 13-5, HAR defines "land use" in part as: the placement or erection of any solid material on land or the grading, removing or dredging of any material or natural resource on land.

Hawaii Coastal Erosion Management Plan

In 1999, the Board adopted the Hawaii Coastal Erosion Management Plan (COEMAP) and approved specific criteria to guide Staff to resolved cases involving unauthorized shoreline structures.

In assessing cases involving unauthorized shoreline structures, specific criteria are as follows:

1. Protect/preserve/enhance public shoreline access;
2. Protect/preserve/enhance public beach areas;
3. Protect adjacent properties;
4. Protect property and important facilities/structures from erosion damages; and
5. Implement a "no tolerance" policy for recent or new unauthorized shoreline structures.

The Department considers each case based on the specific circumstances/history. For instance, the age of the structure, the quality of the surrounding beach resources, the nature of the surrounding development, and the risk to life and limb are all evaluated to help formulate a position with respect to the disposition of the matter. For structures built after the 1999 "no tolerance" policy for unauthorized shoreline structures, the customary policy is to remove the structure.

The unauthorized construction of the rock walls is a land use that occurred in the Conservation District without a permit, and therefore allegedly violates the above chapters. This report and staff recommended conditions seek to resolve this conservation district violation. Pursuant to Chapter 183C, HRS, the maximum fine for a conservation district violation is \$2,000.00 per violation, or \$2,000.00 per day.

DISCUSSION

Because the Department has a "no tolerance" policy in regards to shoreline structures constructed after 1999, the subject walls within the Conservation District must be removed.

This submittal and notice of the Board's meeting will be sent to the property owners by certified mail to the address of record in Hawaii.

FINDINGS

1. That the landowner did in fact, authorize, cause or allow the unauthorized construction of the structures to occur;
2. That portions of the structures lies within the State Land Use Conservation District, Resource subzone, as evidenced by the wash of the waves;

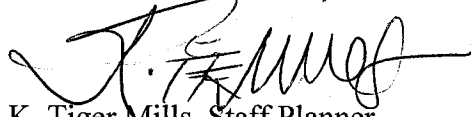
AS SUCH, STAFF RECOMMENDS AS FOLLOWS:

That, pursuant to Chapter 183C, Hawaii Revised Statutes (HRS), the Board find the landowner in violation of Chapter 183C and Chapter 13-5, Hawaii Administrative Rules (HAR), and is subject to the following:

1. The landowner violated the provisions of Chapter 183C, Hawaii Revised Statutes (HRS), and Chapter 13-5, Hawaii Administrative Rules (HAR), in one instance by constructing a shoreline structure. The alleged is fined a total of \$2,000.00 for one Conservation District violation;
2. The landowner is fined an additional \$200.00 for administrative costs associated with the subject violations;
3. The landowner shall pay all fines (total \$2,200.00) within sixty (60) days of the date of the Board's action;
4. The landowner shall remove the portions of the wall within the Conservation District within thirty (30) days of the shoreline determination;
5. Within 45 days, a Departmental Representative shall inspect the shoreline for compliance;
6. The landowner shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State and County governments;
7. That in the event of failure of the alleged to comply with any order herein, the landowner shall be fined an additional \$2,000.00 per day until the order is complied with; and

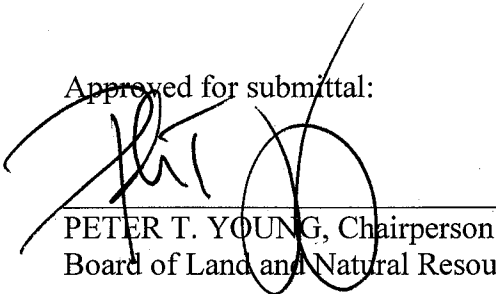
8. That in the event of failure of the landowner to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:


PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

A detailed black and white map of the island of Oahu. The map shows the coastline, major roads, and numerous place names. A compass rose is located in the lower-left corner, indicating North (N), South (S), East (E), and West (W). A circle is drawn on the southwestern coast near Barber's Pt., with an arrow pointing to it from the handwritten text "subject area". Various locations are labeled throughout the island, including Kalahe Pk., Kaneohe Bay, Pearl City, Honolulu, and many others. The word "OAHU" is printed in large, bold letters at the top right of the map.

EXHIBIT 1

Dwg. No.: 3807
 Source: L.H. Cl. App. 24E maps 16, 18, 24, 25 & 26
 By: H.N. & E.Y.T. Date: Dec. 1948.

For: PUILOA, ENA, OAHU (For L.H. Cl. App. 24E)

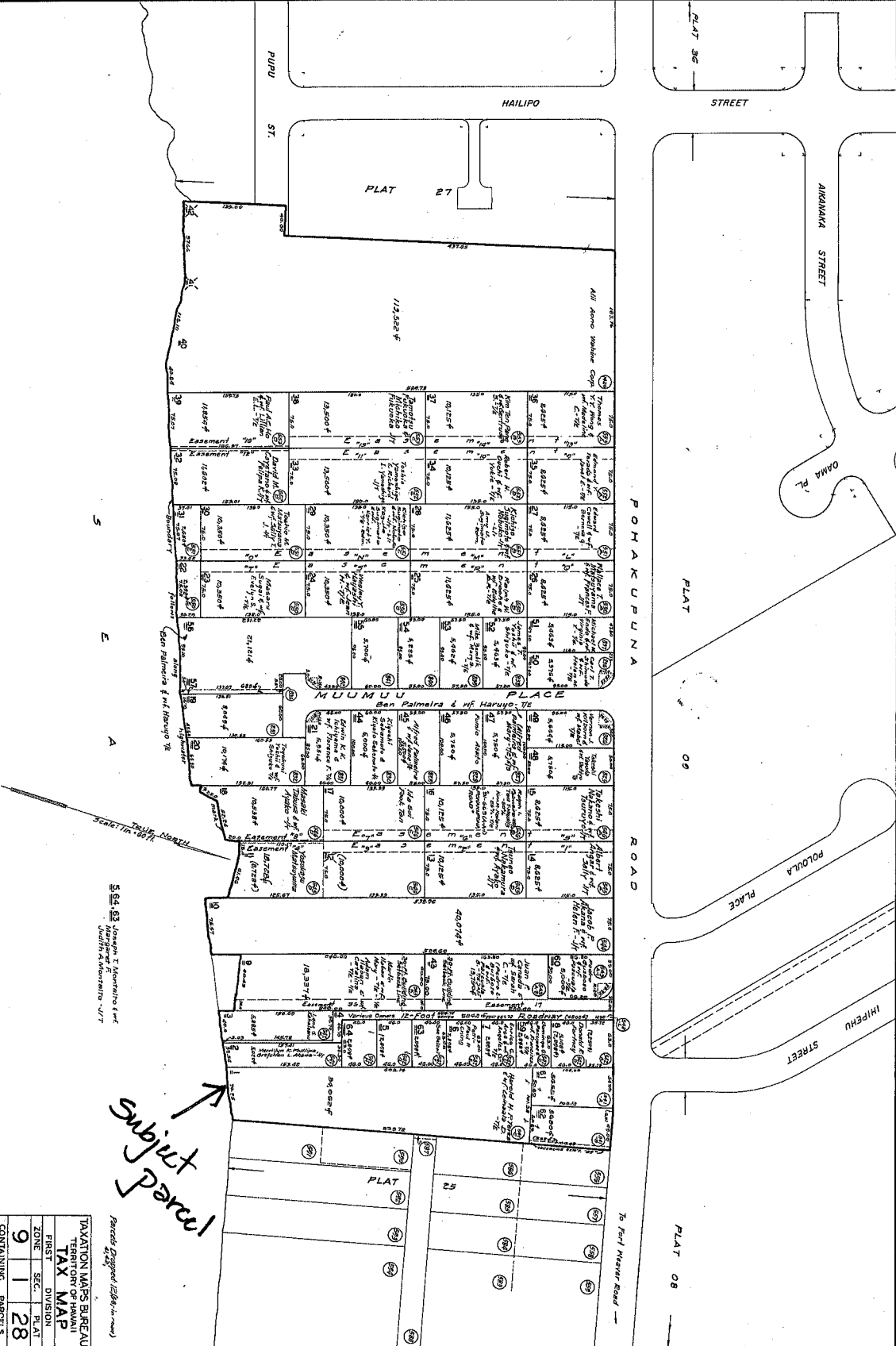
SUBJECT TO CHANGE

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FIRST	SEC.	PLAT	
9	1	28	
CONTAINING PARCELS			
SCALE: 1" = 50 FT			

Parcels Shaded (24E & 26E)

554-23 Joseph T. Montano & Co.
 Trustees of the Estate of
 Joseph A. Montano - UT

Subject parcel
 ↑





<http://www.soest.hawaii.edu/coasts/data/oahu/aerial2005.html>

Hi resolution Aerial photographs were acquired for Oahu shoreline on Dec 16, 2005 and Dec 30, 2005. Images were collected on 9 by 9 inch color film at scale 1:9000.

EXHIBIT 3

ONEULA BEACH, PUULOA, EWA, OAHU

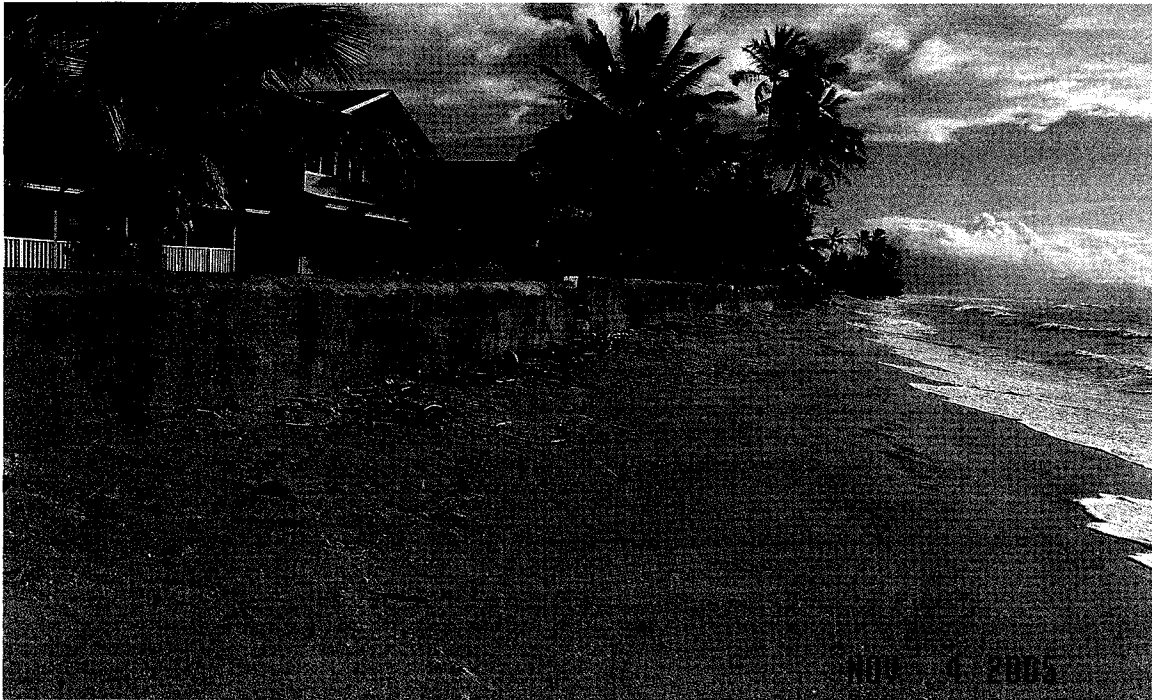


Photo 1-Looking towards Diamond Head.

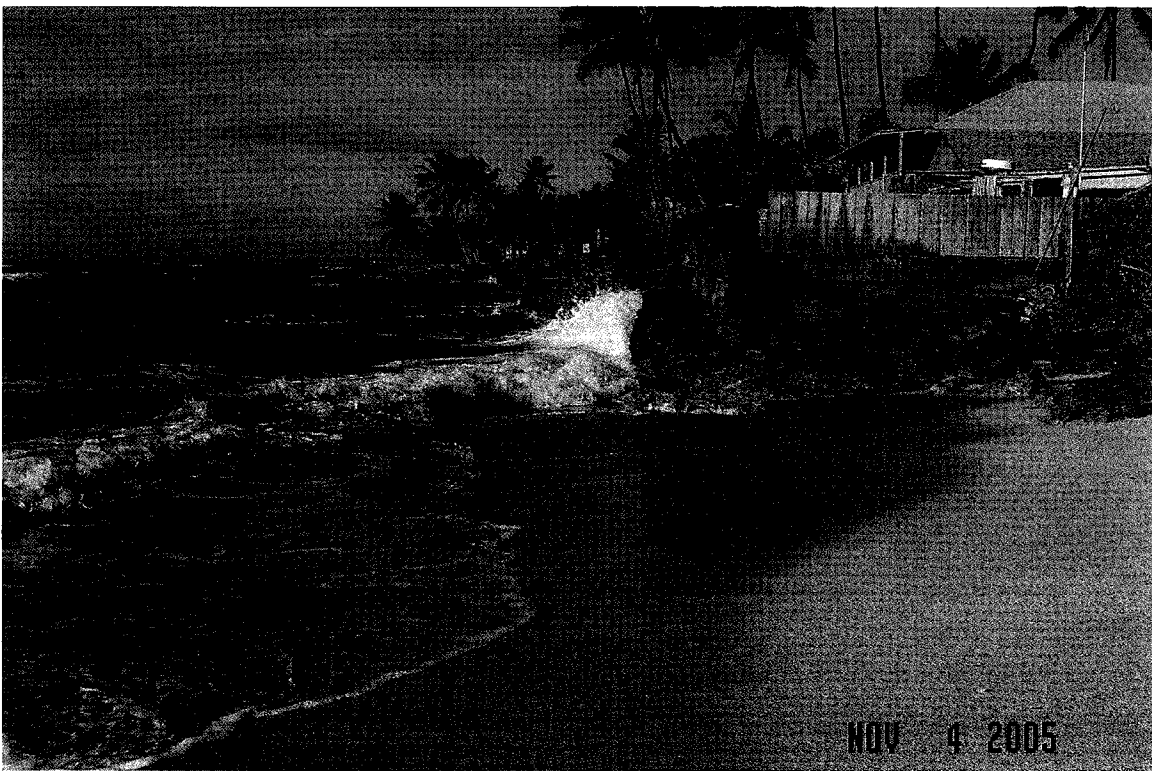


Photo 2-Looking towards Waianae.

ONEULA BEACH, PUULOA, EWA, OAHU

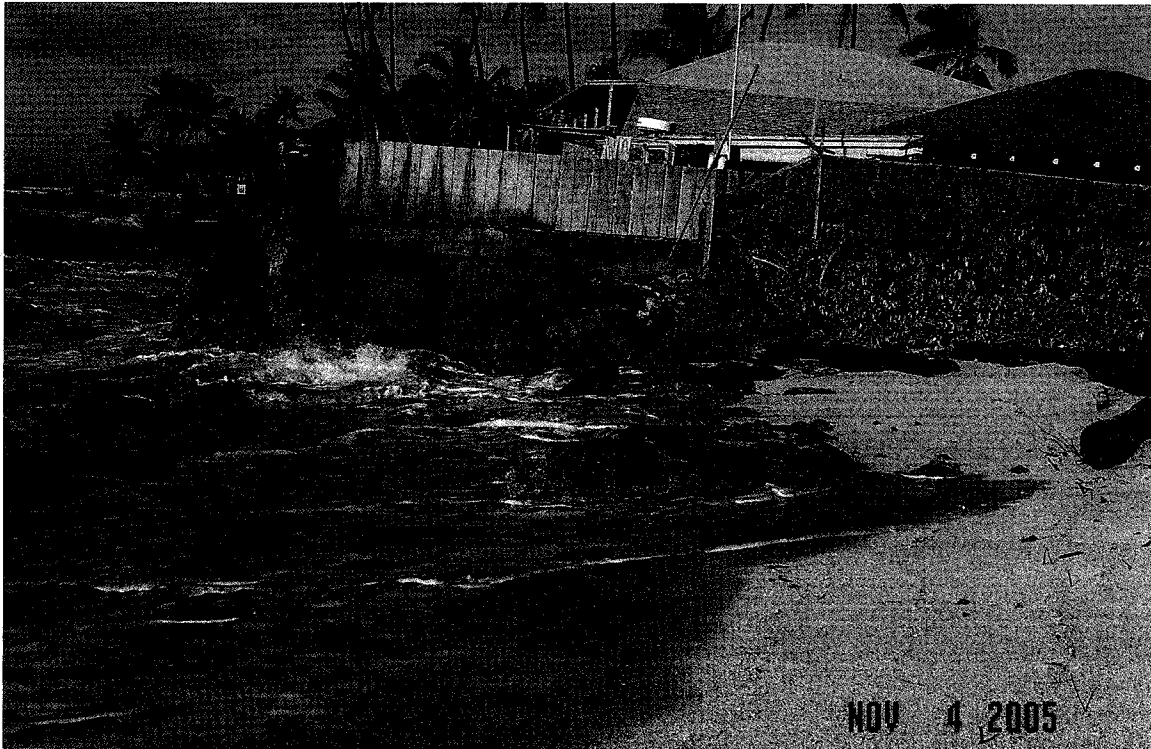


Photo 3-Arrow indicates subject wall.

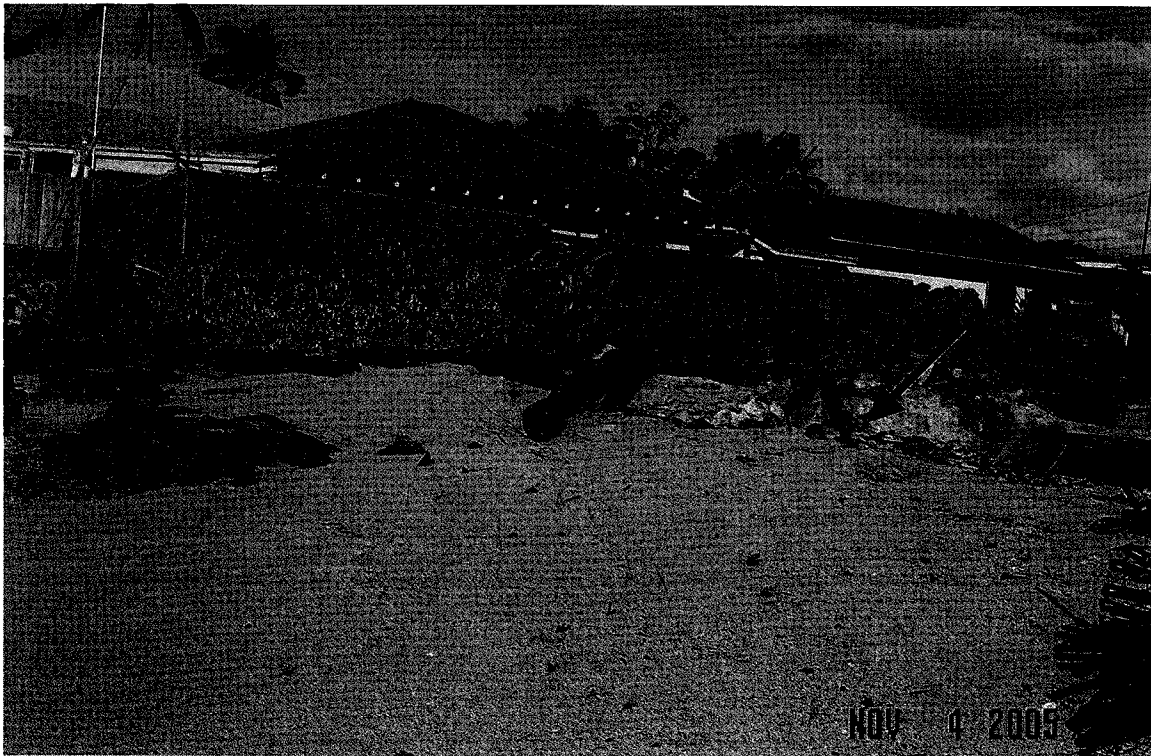


Photo 4-Arrow indicates debris line.

EXHIBIT 5

ONEULA BEACH, PUULOA, EWA, OAHU

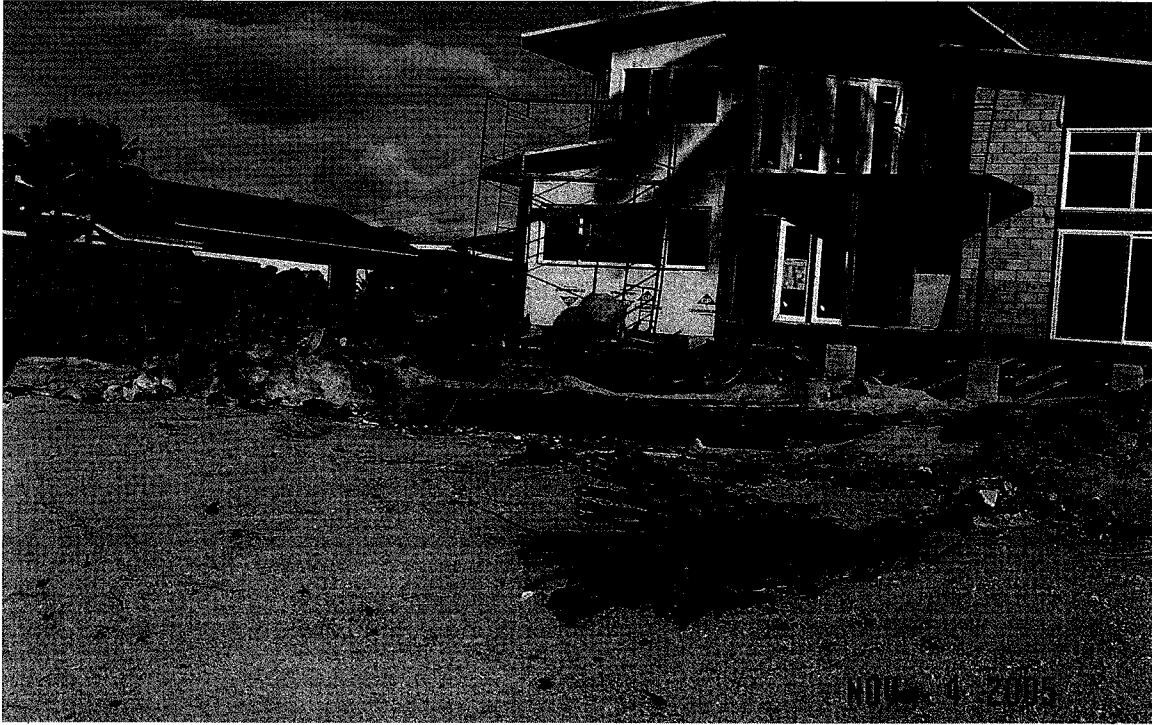


Photo 5-Newly constructed Single Family Residence and wall on the Waianae side of the property.

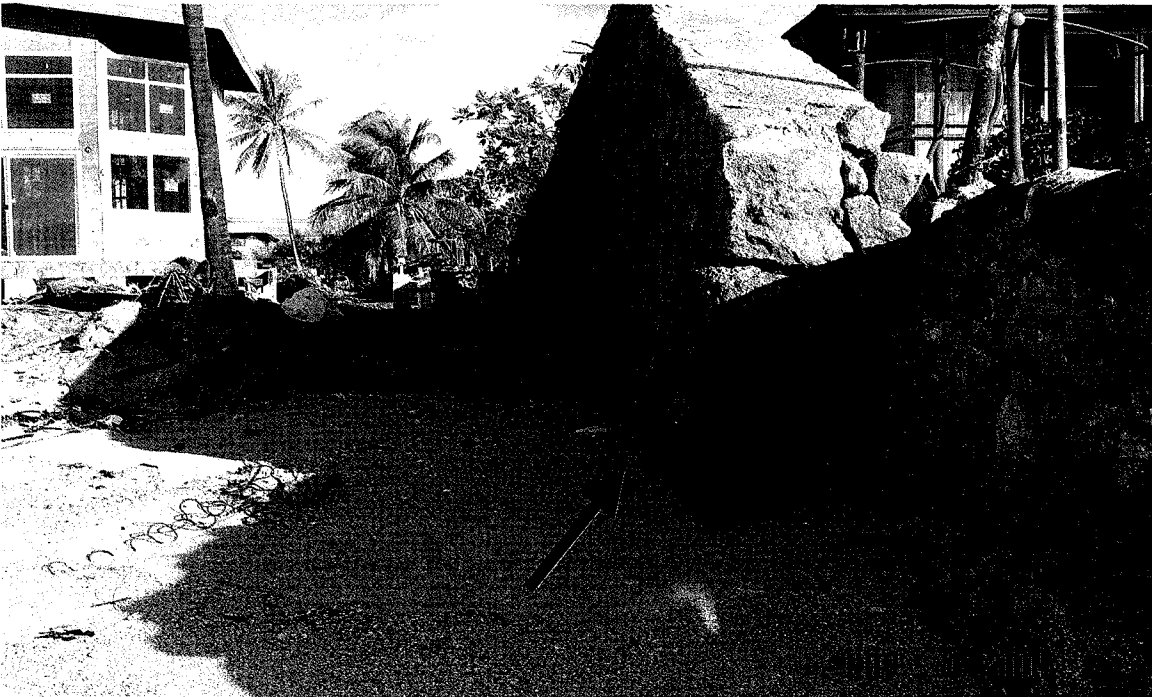


Photo 6-Newly constructed wall on the Diamond Head side of the property.

EXHIBIT 6

ONEULA BEACH, PUULOA, EWA, OAHU

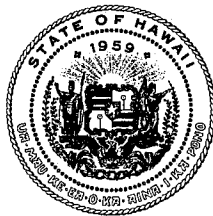
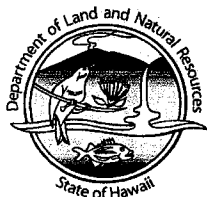


Photo 7-Wave run up is beyond makai end of the wall.



Photo 8-Subject wall is the wall furthest mauka of the shore.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

NOTICE AND ORDER

NOV - 4 2005

Patrick and Margaret McNulty
5371 Edgewater Drive
Ewa Beach, Hawaii 96706

SUBJECT: Illegal Activity in the Conservation District and on Public Lands Seaward & Adjacent To Tax Map Key: (1) 9-1-028:001 Located at 91-701 &/ or 91-702 Oneula Place, Ewa Beach, Oahu


NOTICE IS HEREBY GIVEN that you are in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled "Conservation District" providing for land use within the Conservation District, enacted pursuant to Chapter 183C, Hawaii Revised Statutes (HRS) and Title 13, Chapter 221, entitled "Unencumbered Public Lands" providing for the control of public activities on unencumbered public lands, enacted pursuant to Chapter 171, HRS.

An inspection of the premises on which the illegal activity has been conducted was made on November 4, 2005 by the Department of Land and Natural Resources. We have determined that:

- 1) The subject property, identified seaward of tax map key: (1) 9-1-028:001, is in the Conservation District (General/Resource/Limited/Protective Subzone) and is unencumbered public lands;
- 2) The following uses were conducted on the subject premises: Seawall Construction
- 3) These uses were not authorized by the Department of Land and Natural Resources under either Chapter 13-5 or 13-221, HAR.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises. Should you fail to cease such illegal activity immediately, you will be subject to fines up to \$2,000 per day pursuant to Chapter 13-5, HAR, and \$500 per day pursuant to Chapter 13-221, HAR, in addition to administrative costs incurred by the Department.

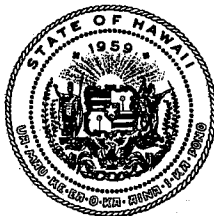
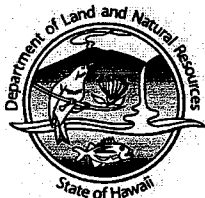
Please contact Sam Lemmo of the Office of Conservation and Coastal Lands at 587-0382 to clear this matter.

By: 
PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

cc: DOCARE OAHU
OCCL
ODLO

EXHIBIT 8

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
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DEAN NAKANO
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

ENF: OA 06-32

CERTIFIED MAIL/RETURN RECEIPT

7004 0750 0001 8229 1220

Patrick & Margaret McNulty
5371 Edgewater Drive
Ewa Beach, Oahu 96706

NOV 16 2005

Dear Mr. & Ms. McNulty,

SUBJECT: Alleged Unauthorized Land Use Within the Conservation District Located at 91-701 or 91-702 Oneula St., Ewa Beach, TMK: (1) 9-1-028:001

The Office of Conservation and Coastal Lands (OCCL) Staff conducted a site visit to public lands adjacent and makai (seaward) of your property. Staff noted newly constructed boundary walls on your property. Portions of these walls appear to be within the Conservation District. Pursuant to the Hawaii Administrative Rules, §13-5-13, lands and State marine waters seaward of the upper reaches of the wash of waves, usually evidenced by the edge of vegetation or by the debris left by the wash of waves on shore to the extent of the State's jurisdiction lie within the State Land Use Conservation District.

The OCCL has no record of approval for the subject land use within the Conservation District. Please submit evidence of approvals for the subject boundary walls to the OCCL. If there is no response within 30 days or if the structures are not removed, this matter will be referred to the Board of Land and Natural Resources as a Conservation District land use violation. Should you have any questions regarding this matter, please contact Tiger Mills of our Office of Conservation and Coastal Lands at 587-0382.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lempp".

Samuel J. Lempp, Administrator

Office of Conservation and Coastal Lands

c: Chairperson
ODLO
City & County of Honolulu, DPP

EXHIBIT 9

McNulty
5371 Edgewater Drive
Ewa Beach HI 96706
389-3151

RECEIVED
OFFICE OF CONSERVATION
NOV 25 2005

2005 NOV 29 A 9:38

November 25, 2005

Office of Conservation and Coastal Lands
Post Office Box 621
Honolulu, HI 96809

Sirs:

SUBJECT: Alleged Unauthorized Land Use Within the Conservation District Located at 91-701 or 91-702 Oneula St., Ewa Beach, TMK: 9-1-028:001

In response to your letter dated November 16, 2005, I submit the following:

I apologize if we inadvertently started construction of a wall that may violate your regulations. The wall was built on both sides of our property, abutting walls and fences that are already in place. The purpose of the rock wall is to sturdy up the structures already in place and to ensure containment of our private property.

The above mentioned property has been vacant for a number of years. There was an existing home in the back of the lot which burned down, but no home has ever existed at the ocean front portion of our lot located at 91-701 & 702 Oneula Place, Ewa Beach.

Since it lacks a sea wall, neighbors have had easy access and have been using it as a community area. The abutting properties have gates leading to our property, which has allowed them easy access year around for fishing and bar-b-que activities. Horse shoe pits had been made in what is to be our front yard. Abandoned gear to include two bicycles, fishing items, plastic tubing of various sizes, and scrap lumber, fill a hand made bin on the Waianae side of the property. Some of these articles have been recently used and are not a part of our construction. A discarded, one piece picnic table / benches is located just above the water line where folks would enjoy eating and fishing. On the Diamond Head side, there is handyman shack renovation underway (shack). A large cast iron frame (6' x 4' x 2') appeared on the shoreline since construction of our home started. It is located on our property, within a couple of feet of the Diamond Head border. Although it was fully visible early in the summer (depicted in enclosed photos), it is now in and out of being covered with sand. The lot to the Diamond Head side had severe erosion to their yard within their sea wall. The erosion has recently been filled in. As the enclosed pictures depict, the existing Diamond Head wall was crumbling into our property, with no immediate plans to renovate.

EXHIBIT 10

We (husband and wife) have been trying to clean up the beach area. Telephone poles have washed ashore and become part of the water line. We plan to leave them in place as they fit in nicely with the sand. The afore mentioned cast iron object could not have washed ashore and we plan to remove it once the sand line recedes. A barbeque pit had been constructed in the sand using coral rock, chicken wire, mesh and other non natural items. We removed the pit and cleaned up the residue, including iron hinges, crushed aluminum cans, broken glass, unburned cardboard and wood. Neighbors have already asked why we have removed their neighborhood fire pits.

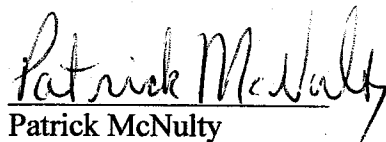
Due to financial constraints, we are not planning to build a sea wall. Properties on both sides of our home have sea walls as depicted by enclosed photos. We love the beach when it is there. The sand is gone during specific periods of the year (winter-spring). The properties on both sides of ours have steps leading from their sea walls to the beach on the ocean side of their lots, so our walls do not deny them access to the beach. Our wall merely prevents entrance to our property from somewhere other than the water. There is a public beach access also located several lots to the Diamond Head side for public use.

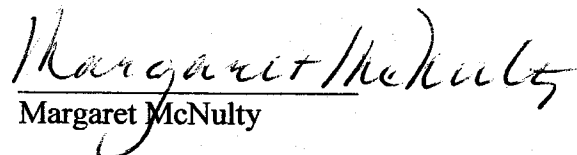
We have already experienced robberies at the construction site. Lumber and doors have disappeared. There have been recent arrests for drug involvement in adjacent properties. We still have two adopted children who are attending High School and small grandchildren who will be visiting. We truly need a more secure dwelling to fully enjoy our new home with the earned assurance of safety and security.

We contacted Tiger Mills on November 23, and are submitting this letter as a result of our conversation. Our architect, Bahman Keradepthy, is currently working on the building permits with variances. Our goal is to enjoy the beauty of our new home and the ocean during our retirement years. We hope to hear from you soon so together we can work towards a mutual resolution.

We thank you for your time and concern in this matter.

Respectfully submitted,

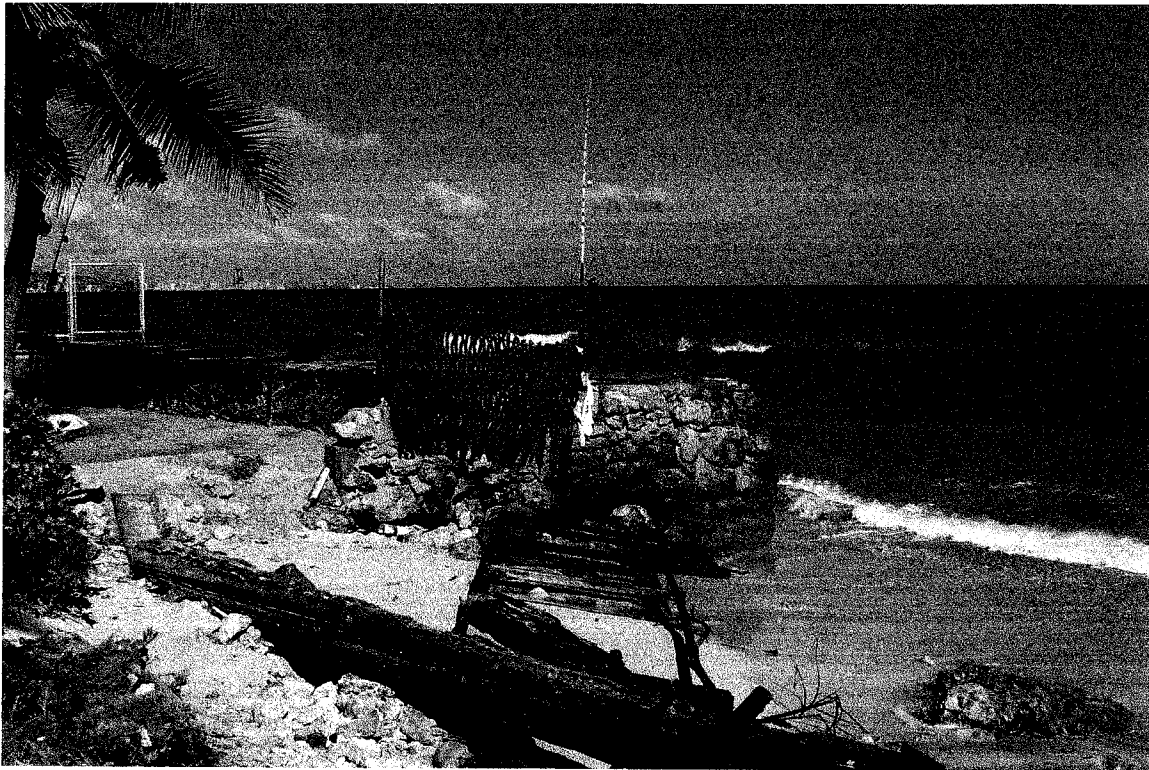

Patrick McNulty


Margaret McNulty

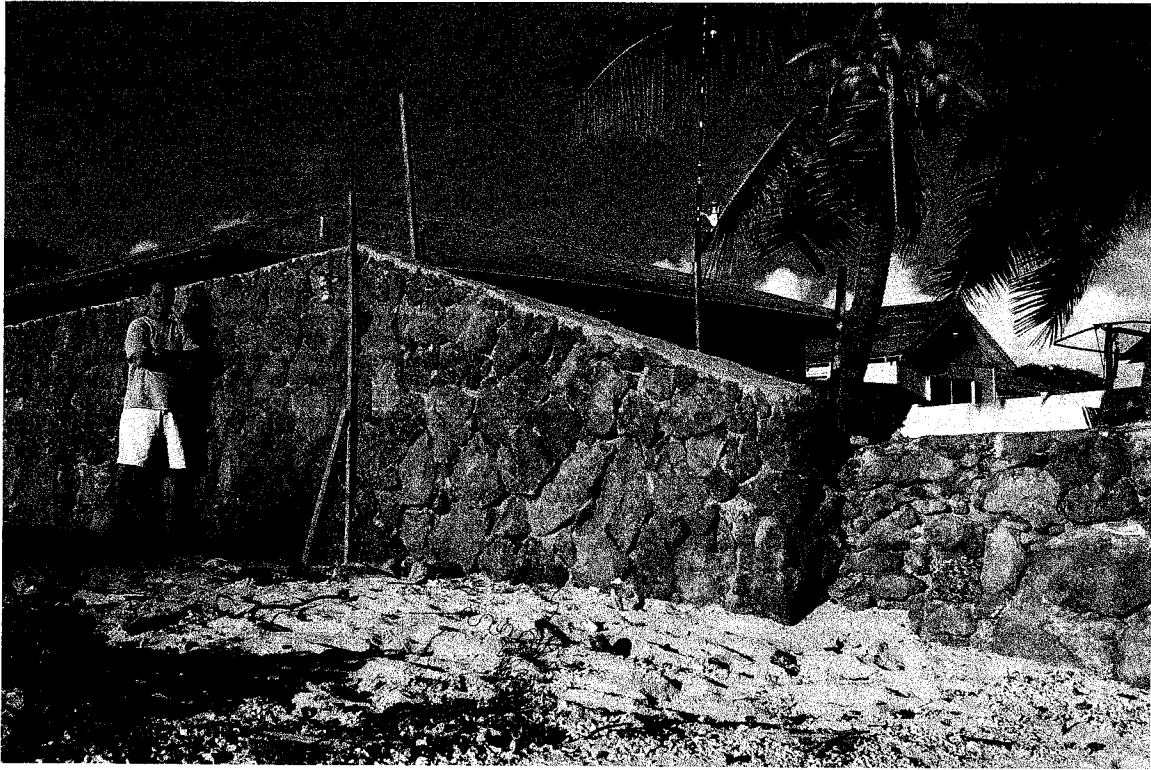
e-mail
pnutt@hawaii.rr.com

Please take the time to review a pictorial display of the history at DH and Waianae side of new home at 91-701 Oneula Place. The following pictures have been taken during construction from July 05 to the present time. The pictures will help clarify the facts specified in the letter.

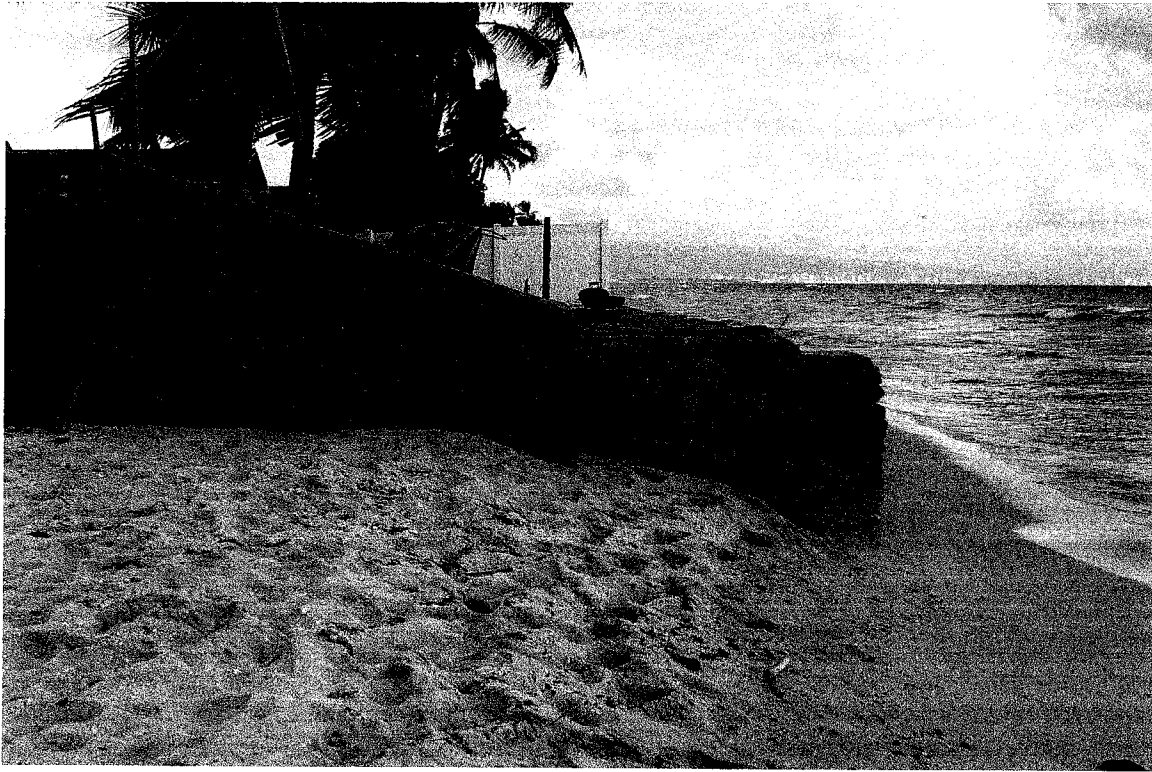
We truly appreciate your time in this very important and expensive matter as we finally build our retirement home. It is our intent to keep the shoreline beautiful, safe and enjoyable for decades in the future.



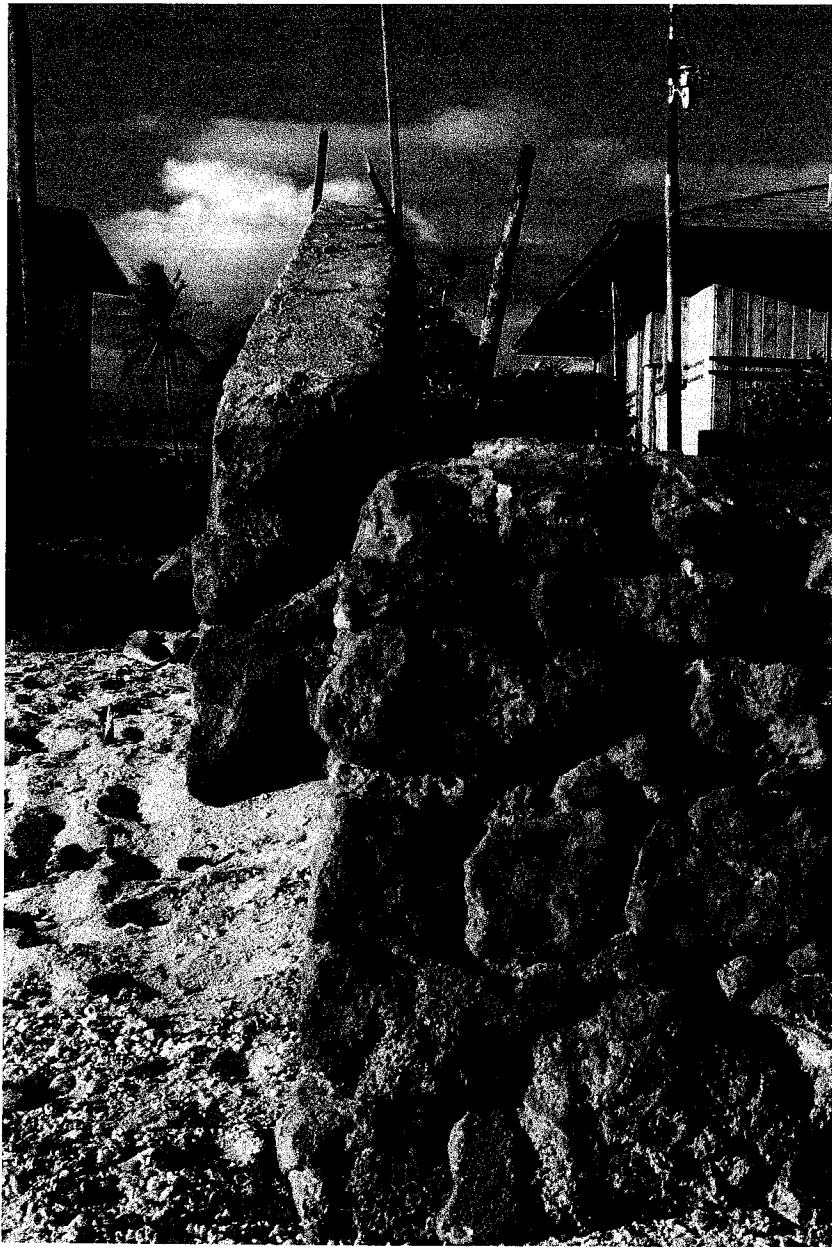
Clear view of Diamond Head side with bed frame on beach front, crumbling wall and debris filling in front wall of property to right (Diamond Head side). Of note is chain link fence in pathetic repair. When queried, owner had no immediate concerns for repairing wall or fence.



Pat (5 ft 7 inches) standing at wall on Diamond Head side.



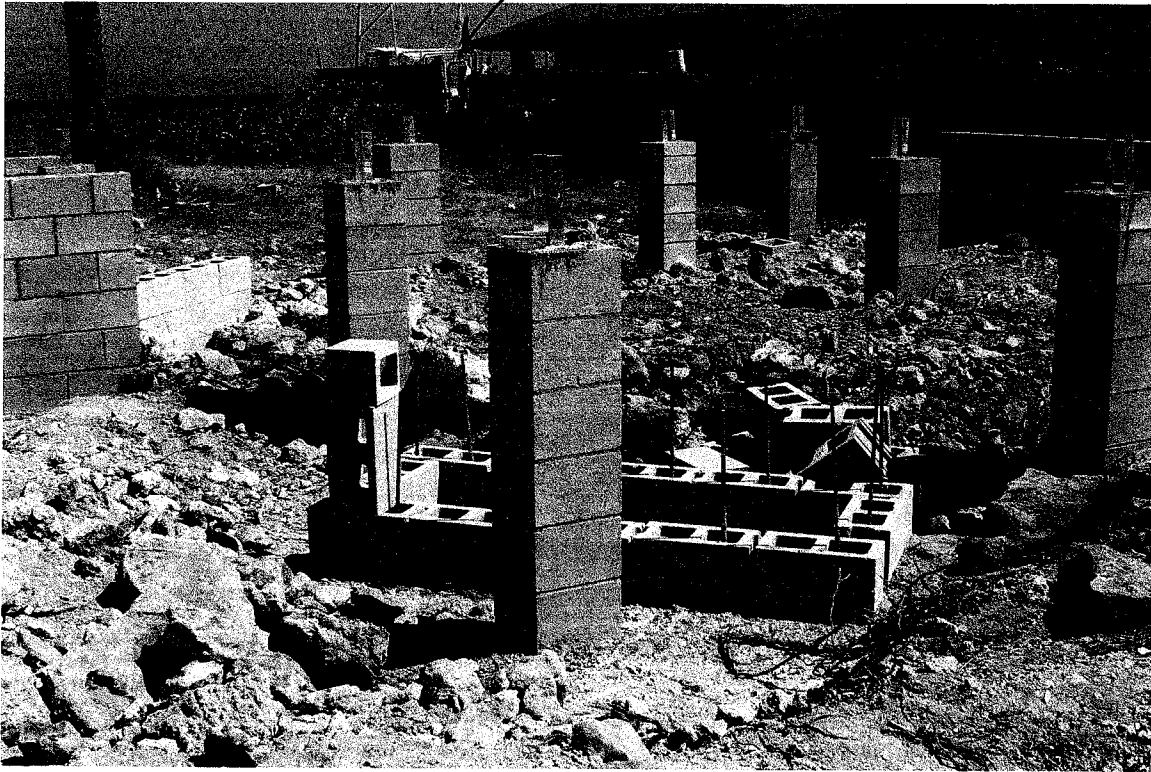
New wall at Diamond Head side seen in prospective of adjacent existing crumbling wall which is now secured by new wall. Notice also new vinyl fencing located 2 lots over replacing chain link fence depicted in previous photos.



As depicted above, the new wall ends way above the existing wall that was crumbling into our yard and cascades downward to allow a flowing contour.



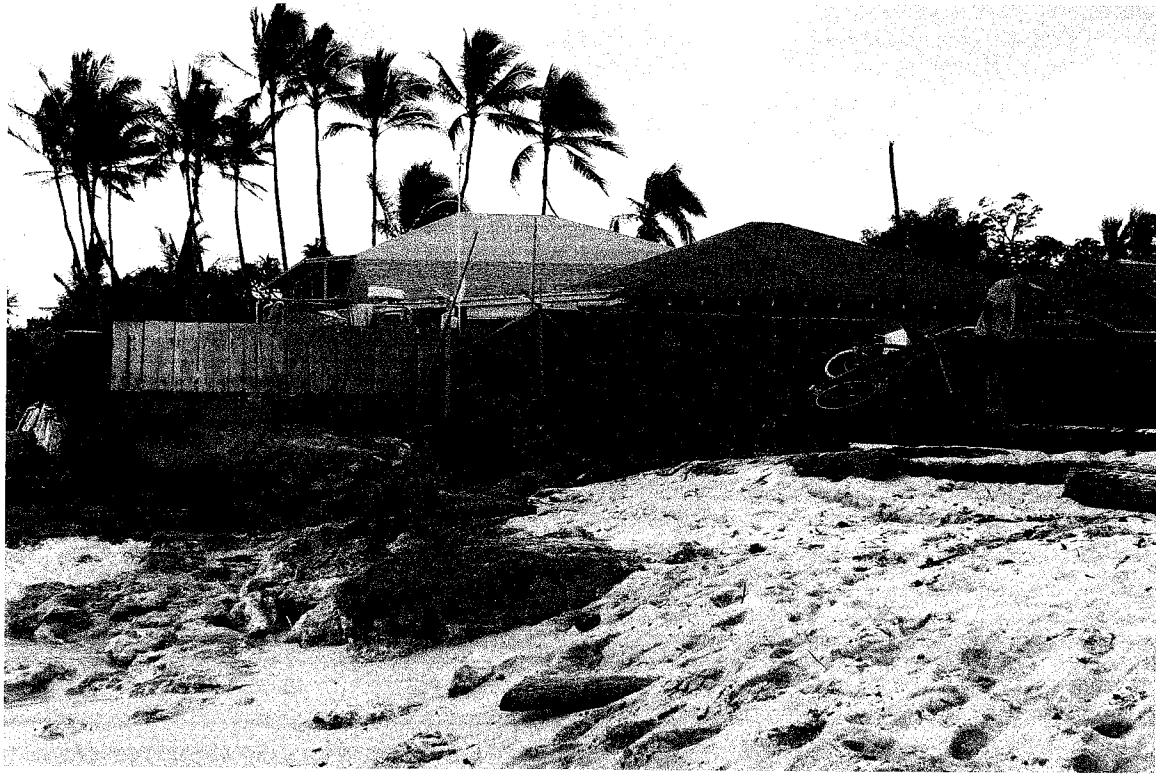
Gate tot eh Wainae side (left) enters our lot on path seen before vegetation line. This gate was used to pass between lots and also as an area for the sale of sodas to those fishing in our lot. Gate had sign with prices of sodas posted on it.



Gate on Wainae side of property before vegetation line clearly visible at arrow.



Gate at arrow.

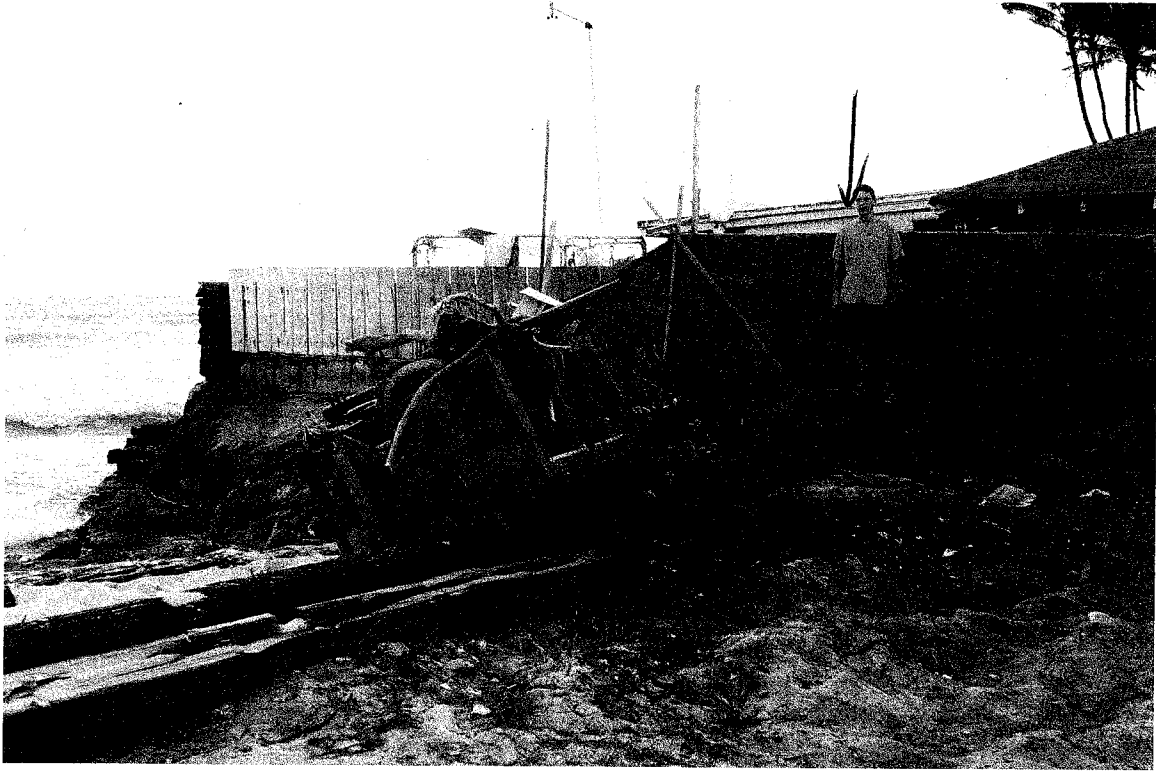


Looking toward Waianae side:

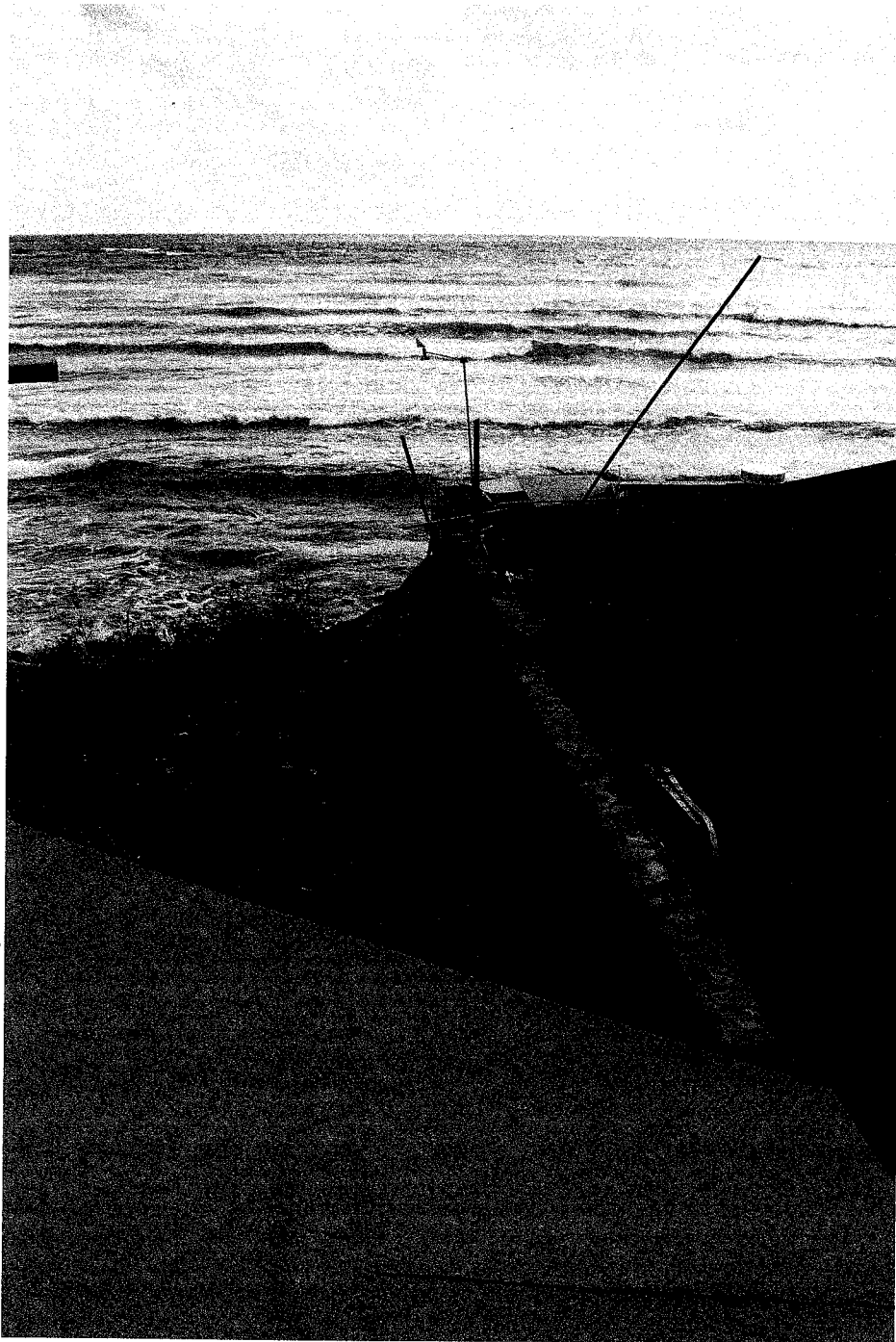
New wall depicted with debris from beach front near son standing in photo. Gate that was erected is located behind son at arrow. Access to beach clearly seen to the left of photo from steps and walkway erected in front of sea wall at Waianae side. Pre-existing wooden fence extending to sea wall seen in photo.



Proximity of new house and vegetation line...gate seen at arrow (Wainae side).



Debris placed over vegetation. Son standing in front of gate on Waianae side behind new rock wall.



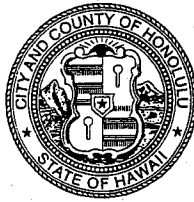
Gate at Waianae side seen at arrow above from roof of new home.

54930

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. INTERNET: www.honoluluapp.org • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



RECEIVED
06 MAR 14 AIO-22
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANQUE
DEPUTY DIRECTOR

2005/NOV-11-263 (JMF)

March 10, 2006

Mr. Patrick McNulty
Ms. Margaret McNulty
5371 Edgewater Drive
Ewa Beach, Hawaii 96706

Dear Mr. and Ms. McNulty:

Re: Notices of Violation 2005/NOV-11-084
and 2005/NOV-11-263
91-702 Oneula Place – Ewa Beach
Tax Map Key 9-1-028: 001

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
2006 MAR 16 A 9:20
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

This is in reply to your letters dated December 1, 2005 and January 24, 2006, requesting guidance to resolve the matter, and an extension of time to complete the required corrective action. Further, you inquired as to options for securing the lot that has been the target of vandals.

Before addressing your violation, the following is a brief summary of State and County jurisdictional authority that may help you better understand where to direct your questions. The City and County of Honolulu, Department of Planning and Permitting, has jurisdiction for the enforcement of shoreline matters from the certified shoreline extending mauka (towards the mountains) to the property line. The State Department of Land and Natural Resources' (DLNR) jurisdiction for shoreline matters extends from the certified shoreline seaward (or makai). This makai area is part of the State's Conservation District. For security matters related to vandalism, please contact the Honolulu Police Department.

Regarding your violation, the above referenced NOV's were issued for a CRM fence wall constructed in the shoreline setback area without a shoreline variance, and for the stockpiling of log poles and metal debris in the shoreline setback area without a shoreline variance.

Based on your proposal to apply for a shoreline setback variance, and owing to the fact that there is ongoing permitted new construction on the lot, we did not refer the NOV's for the issuance of a Notice of Order, which would have imposed fines, until the construction was completed and it was determined what action you had taken to resolve the violations.

EXHIBIT 11

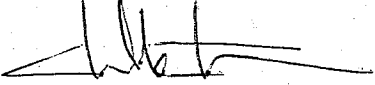
Mr. Patrick McNulty
Ms. Margaret McNulty
March 10, 2006
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Please be informed that in order to resolve the CRM fence wall violations, you must either obtain a variance or remove the illegal structure encroaching into the shoreline setback area. You should also be aware that the DLNR conducted a site investigation to determine if the CRM fence wall extended into the Conservation District. When their concern was confirmed in a letter dated November 16, 2005, they required that you provide evidence of approvals for the subject boundary walls, or remove the structures. Further, they informed you that failure to comply with their requirements would result in a referral of the matter to the Board of Land and Natural Resources as a Conservation District land use violation.

Regarding the stockpiling of debris, since these materials may be associated with the ongoing construction, further enforcement action on this matter will be deferred until the construction is completed. However, failure to remove this material upon completion of the construction will result in the issuance of a Notice of Order with assessed civil fines.

Should you have any questions, please contact Mike Friedel of our Code Compliance Branch at 527-5873.

Very truly yours,


for Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:ra
2005NOV-11-084.doc (Doc 432151 rev 1)

cc: ✓ Samuel J. Lemmo, DLNR,
Office of Conservation and Coastal Lands